

**Notice of Allowability**

Application No.

09/889,110

Examiner

Peter J Macchiarolo

Applicant(s)

FARIZON ET AL.

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2879

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 09/09/2004.
2. ☒ The allowed claim(s) is/are 1-3.
3. ☒ The drawings filed on 09 September 2004 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

## **DETAILED ACTION**

### ***Acknowledged Receipt***

1. Receipt is acknowledged of the drawing changes and the remarks related to the claims, all of which were filed on 09/09/2004. The request for continued examination filed 09/09/2004 is acceptable and an RCE has been established. The above have been considered and entered and an action on the RCE follows.

### ***Allowable Subject Matter***

2. Claims 1-3 are allowed.
3. The following is a statement of reasons for the indication of allowable subject matter:
4. The prior art of record to motivates or discloses the limitations of claim 1, except that the outer surface of one end of the two components faces the inner surface of the end of the other of the two components, in combination with the remaining limitations of the claim.
5. After careful consideration and scrutiny of Applicant's arguments and prior rejection to the claims, the Examiner feels one of ordinary skill in the art would not be motivated combine previously cited Van Eck (USPN 5861708) with previously cited Pohle (USPN 2582454) for the following reasons:
6. Van Eck discloses a control electrode which has Applicant's recited skirt configuration (i.e. the skirt portions being connected inner surface to outer surface, see fig. 6 and previous rejection). However, the object of Van Eck's invention is to provide a control electrode that is not subjected to a deep drawing process, which has the advantage of better high-voltage

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resistance.<sup>1</sup> The base reference relied upon in the prior rejection (Pohle) does not expose the disclosed control electrode to any sort of deep drawing process, and therefore, no advantage would be gained.

7. Furthermore, Pohle's control electrode has a skirt portion comprising two semi-cylindrical sections joined along the sides thereof to form a hollow cylinder (see claim 5) having two flanges that hold the cathode assembly in an electron gun. The flanges are made from the ends of the two semi-cylindrical sections, joined inner surface to inner surface (see figs. 1 and 2). Although Van Eck does disclose a skirt portion for a control electrode being connected inner surface to outer surface (fig. 6), this configuration being applied to Pohle's flanges would require a more cumbersome and involved manufacturing method with little expectation of success, and would inhibit the flange's ability to hold the control electrode within an electron gun.

8. Claims 2-3 are allowable due to their dependency.

9. Any comments considered necessary by the Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of reasons for Allowance."

### ***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter J Macchiarolo whose telephone number is (571) 272-2375. The examiner can normally be reached on 8:30 - 5:00, M-F.

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<sup>1</sup> Van Eck, col. 1, ll. 41-50.

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11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar D Patel can be reached on (571) 272-2475. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

pm

*Joseph Williams*

Joseph Williams  
Primary Examiner  
A.U. 2879